

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

WAPATO HERITAGE, LLC

Plaintiff,

V.

UNITED STATES OF AMERICA
UNITED STATES DEPARTMENT
OF THE INTERIOR; and UNITED
STATES BUREAU OF INDIAN
AFFAIRS.

Defendants.

NO. CV-08-177-RHW

ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION

Before the Court is Plaintiff's Motion for Reconsideration of Order and Judgment Granting Defendants' Motion to Dismiss and Alternatively Motion for Summary Judgment (Ct. Rec. 84). The motion was heard without oral argument.

Plaintiff asks the Court to reconsider its order granting Defendants' motion for summary judgment, directing the District Court Executive to enter judgment in favor of Defendants, and closing the file. Under Fed. R. Civ. Pro. 60(b), "a motion for reconsideration should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law." *Kona Enterprises, Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000) (internal quotation omitted). Plaintiff's motion for reconsideration presents arguments already considered and rejected by the Court, but fails to proffer any new evidence or identify clear error in the Court's ruling.

**ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION *** 1

1 Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's Motion for
2 Reconsideration of Order and Judgment Granting Defendants' Motion to Dismiss
3 and Alternatively Motion for Summary Judgment (Ct. Rec. 84) is **DENIED**.

4 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
5 Order and forward copies to counsel.

6 **DATED** this 22nd day of December, 2009.

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9 *s/Robert H. Whaley*
10 ROBERT H. WHALEY
11 United States District Judge

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ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION * 2